FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7820 OF 2004

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. R.S. Patil for petitioner.
Mr. S.M. Sabrad for respondent nos.2,3 and 5.

CORAM: B.H. MARLAPALLE,J.

26/04/2007.

P.C.:

. This petition has been filed by the original defendant in Regular Civil Suit No. 115 of 1995 and the same suit was decreed by the learned III Joint Civil Judge, Junior Division, Solapur. The defendant, therefore, filed Civil Appeal No. 443 of 1997, which came to be dismissed by the learned First Ad-hoc Additional District Judge, Solapur on 5/8/2004.

. The petitioner, therefore, has a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in

Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Stay granted earlier will continue for a period of two weeks. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)